



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX
75 Hawthorne Street
San Francisco, CA 94105

Date: **NOV 03 2015**

CERTIFIED MAIL NO. 7009 0080 0001 2086 8340
RETURN RECEIPT REQUESTED

Mr. Victor J. Bruno
Owner
Atlas Galvanizing, LLC
2639 Leonis Boulevard
Vernon, CA 90058

RE: Request for Information In re: Atlas Galvanizing, LLC (AGL)
EPA Identification Number: CAD008251308

Dear Mr. Bruno:

The United States Environmental Protection Agency (EPA), Region 9 hereby requests additional information following the July 21, 2014 and September 21, 2015 compliance evaluation inspections conducted at the Atlas Galvanizing, LLC (AGL or Facility) facility located at 2639 Leonis Boulevard, in Vernon, CA, EPA Identification Number CAD008251308. The information being requested will supplement observations made by the EPA inspection team.

Pursuant to EPA's authority under Section 3007(a) of the Resource Conservation and Recovery Act (RCRA) [42 U.S.C. § 6927(a)], AGL is required to submit the information and documents listed in Attachment I of this letter using the instructions included in Attachment II. Also, complete and submit the certification included in Attachment III.

Failure to respond fully and truthfully may result in enforcement action by EPA pursuant to Section 3008(g) of RCRA (42 U.S.C. § 6928(g)). These statutory provisions authorize EPA to seek the imposition of penalties of up to \$37,500 per day of noncompliance. Please be further advised that provision of false, fictitious or fraudulent statements or representations may subject you to criminal penalties under 18 U.S.C. § 1001. The information you provide may be used by EPA in administrative, civil or criminal proceedings.

This request for information is not subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act because it is not a collection of information within the meaning of 44 U.S.C. §§ 3502(3), 3507, and 3512. *See, also*, 5 C.F.R. §§ 1320.3(c), 1320.5, and 1320.6(a).

Furthermore, it is exempt from OMB review under the Paperwork Reduction Act because it is part of an investigation of a specific individual or entity. 44 U.S.C. § 3518(c)(1); 5 C.F.R. § 1320.4.

Your response to this request must be made by letter, signed by a duly authorized official, and submitted to the EPA within thirty (30) calendar days from the date of your receipt of this letter. Please address the submittal to:

Christopher Rollins
Mailcode: ENF-2-2
Waste and Chemical Section
Enforcement Division
U.S. Environmental Protection Agency
75 Hawthorne Street
San Francisco, CA 94105
e-mail: rollins.christopher@epa.gov

In lieu of submitting the requested response by mail, AGL may submit the response as portable document files via electronic mail, unless the response contains Confidential Business Information (CBI).

You may have been provided during the inspection with a Small Business Regulatory Enforcement and Fairness Act (SBREFA) Information Sheet. If not, please see <http://www2.epa.gov/sites/production/files/2015-05/documents/smallbusinessinfo.pdf>. The Information Sheet is designed to provide information on compliance assistance and inform small businesses of their rights to comment to the SBREFA Ombudsman concerning EPA enforcement activities. Be aware that SBREFA does not eliminate your responsibilities to respond to this letter within the allowed time nor does it create any new rights or defenses under the law.

If you have any questions regarding this letter, please contact Christopher Rollins at (415) 947-4166 or at rollins.christopher@epa.gov.

Sincerely,



Douglas K. McDaniel
Chief, Waste and Chemical Section
Enforcement Division

Enclosures

cc:

Kristine Green, DTSC; kristine.green@dtsc.ca.gov

ATTACHMENT I

Therefore, pursuant to EPA's authority under Section 3007(a) of RCRA, Atlas Galvanizing, LLC (AGL or facility) is requested to submit to EPA the following information or answer the following questions:

1. During EPA's July 21, 2014 inspection, the inspectors documented that AGL had not kept records pertaining to the facility's 2010 and 2011 RCRA hazardous waste employee annual refresher training. What has AGL done since that time to correct these violations? In addition, please provide EPA with copies of AGL's RCRA hazardous waste employee training records for 2014.
2. On September 21, 2015, EPA observed two 55-gallons containers of sulfuric acid tank sludge in AGL's less than 90-Day HWSA. The facility marked the sulfuric acid tank sludge as "Ferrous Sulfate Soil and Debris," and manages that material as a non-RCRA hazardous waste (CA-352). Please provide EPA with a copy of the analytical results AGL used to determine that this waste stream was non-RCRA hazardous waste. If AGL does not have any analytical data related to this waste stream, please explain in detail how this material was determined to be non-RCRA hazardous waste?
3. On September 21, 2015, EPA also observed an open container of contaminated filters in AGL's less than 90-Day HWSA. The facility marked the contaminated filters as "Filter Media," and manages the material as a non-RCRA hazardous waste (CA-352). Please provide EPA with a copy of the analytical results AGL used to determine that this waste stream was non-RCRA hazardous waste. If AGL does not have any analytical data related to this waste stream, please explain in detail how this material was determined to be non-RCRA hazardous waste?
4. According to AGL's records the facility has manifested "Filter Media" and "Ferrous Sulfate Soil and Debris" off for disposal a total of twelve times from September 21, 2012 to September 21, 2015 (See Table Below). Please provide EPA with copies of AGL's waste profile sheets for these two waste streams that were also sent to AA Sydcol, LLC (EPA ID No. AZR000501510) in Yuma, Arizona for disposal. In addition, please provide EPA with a complete copy of each Certificate of Disposal that AA Sydcol created for each waste shipment listed below.

Moreover, please explain in detail the difference between what AGL has defined as Ferrous Sulfate Soil (S17921-SL1) waste and Ferrous Sulfate & Debris (S26189-SL1) waste on the facility's manifests.

No.	Manifests	Shipping Date	Contents As listed
1.	013737039 JJK	03/12/15	Filter Media (S17920-SL1)
2.	013736871 JJK	02/03/15	Filter Media (S17920-SL1) and Ferrous Sulfate & Debris (S26189-SL1)
3.	013736723 JJK	12/11/14	Ferrous Sulfate Soil (S17921-SL1), Filter Media

			(S17920-SL1) and Ferrous Sulfate & Debris (S26189-SL1)
4.	013736565 JJK	10/23/14	Filter Media (S17920-SL1) and Ferrous Sulfate Soil (S17921-SL1)
5.	012529368 JJK	09/04/14	Filter Media (S17920-SL1) and Ferrous Sulfate Soil (S17921-SL1)
6.	012528881 JJK	05/05/14	Ferrous Sulfate Soil (S17921-SL1) and Filter Media (S17920-SL1)
7.	012528570 JJK	01/28/14	Filter Media (S17920-SL1)
8.	011253302 JJK	10/25/13	Filter Media (S17920-SL1)
9.	011252980 JJK	07/17/13	Ferrous Sulfate Soil (S17921-SL1)
10.	011252685 JJK	04/29/13	Filter Media (S17920-SL1) and Ferrous Sulfate Soil (S17921-SL1)
11.	009651814 JJK	01/11/13	Filter Media (S17920-SL1)
12.	009651649 JJK	10/26/12	Filter Media (S17920-SL1) and Ferrous Sulfate Soil (S17921-SL1)

5. Please list the final destination facilities for AGL's "Filter Media" and "Ferrous Sulfate Soil and Debris" waste, once AA Sydcol, LLC receives, consolidates and ships AGL's waste off for disposal. Are the final destination facilities RCRA hazardous waste disposal facilities or non-RCRA landfills?

ATTACHMENT II INSTRUCTIONS

In responding to this Request for Information, apply the following instructions and definitions:

1. Answer Every Question Completely. A separate response must be made to each of the questions set forth in this Information Request. For each question contained in this letter, if information responsive to this Information Request is not in your possession, custody, or control, please identify the person(s) from whom such information may be obtained.
2. Number Each Answer. When answering the questions in Attachment I, please precede each answer with the corresponding number of the question and subpart to which it responds.
3. Number Each Document. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the question to which it corresponds.
4. Provide the Best Information Available. Provide responses to the best of Respondent's ability, even if the information sought was never put down in writing or if the written documents are no longer available. You should seek out responsive information from current and former employees/agents, if necessary. If you are unable to answer a request in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any request, state that person's name and last known address and phone number and the reasons for your belief.

If anything is deleted from a document produced in response to this Request for Information, state the reason for and the subject matter of the deletion. If a document/information is requested but is not available, state the reason for its unavailability. In addition, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.

5. Identify Sources of Answer. For each question, identify all the persons and documents that you relied on in producing your answer.
6. Continuing Obligation to Provide/Correct Information. If additional information or documents responsive to this Request become known or available to you after you respond to this Request, EPA hereby requests that you supplement your response to EPA.
7. Scope of Request. The scope of this request includes all information and documents independently developed or obtained by research on the part of your company, its attorneys, consultants or any of their agents, consultants or employees.
8. Have an Authorized Person Sign the Response and Certification (Attachment III). The signatory must be an officer or agent who is authorized to respond on behalf of the company or facility.

9. **Confidential Information.** The information requested herein must be provided even though you may contend that it includes confidential information or trade secrets. You may assert a confidentiality claim covering part or all of the information requested, pursuant to Section 3007(b) of RCRA, 42 U.S.C. § 6927(b), and 40 C.F. R. § 2.203(b).

If you make a claim of confidentiality for any of the information you submit to EPA, you must prove that claim. For each document or response you claim confidential, you must separately address the following points:

- i. clearly identify the portions of the information alleged to be entitled to confidential treatment;
- ii. the period of time for which confidential treatment is desired (e.g., until a certain date, until the occurrence of a specific event, or permanently);
- iii. measures taken by you to guard against the undesired disclosure of the information to others;
- iv. the extent to which the information has been disclosed to others, and the precautions taken in connection therewith;
- v. pertinent confidentiality determinations, if any, by EPA or other federal agencies, and a copy of any such determinations or reference to them, if available; and
- vi. whether you assert that disclosure of the information would likely result in substantial harmful effects on your business' competitive position, and if so, what those harmful effects would be, why they should be viewed as substantial, and an explanation of the causal relationship between disclosure and such harmful effects.

To make a confidentiality claim, please stamp, or type, confidential on all confidential responses and any related confidential documents. Confidential portions of otherwise non-confidential documents should be clearly identified. You should indicate the date, if any, after which the information need no longer be treated as confidential. Please submit your response so that all non-confidential information, including any redacted versions of documents are in one envelope and all materials for which you desire confidential treatment are in another envelope that is clearly marked confidential.

All confidentiality claims are subject to EPA verification. It is important that you satisfactorily show that you have taken reasonable measures to protect the confidentiality of the information and that you intend to continue to do so, and that it is not and has not been obtainable by legitimate means without your consent. If no such claim accompanies the information when it is received by EPA, then it may be made available to the public by EPA without further notice to you.

If the EPA determines that the information so designated meets the criteria set forth in 40 C.F.R. § 2.208, the information will be disclosed only to the extent, and by means of the procedures specified in 40 C.F.R. Part 2, Subpart B.

ATTACHMENT III
CERTIFICATION OF ANSWERS TO RESPONSES TO REQUEST FOR INFORMATION

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, that the submitted information is true, accurate and complete, and that all documents submitted herewith are complete and authentic, unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

NAME (print or type)

TITLE (print or type)

SIGNATURE

DATE

